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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,090	01/28/2002	Yoshinobu Kaneko	1419.1060	9431

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

②

Office Action Summary	Application No. 10/056,090	Applicant(s) KANEKO ET AL.	
	Examiner Jamila O Williams	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 11-30-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-29-04, 12-21-04</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS 3-31-05</u> . |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,13,14,15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over '566 Ishimoto discloses right and left turning members for turning right and left steering wheels in clockwise and counterclockwise directions around each predetermined shaft (fig 1), a connecting member (16) for connecting the right and left turning members with each other and for forming a turning pair with each turning member, wherein the right and left turning members are turned around each predetermined shaft by moving the connecting member in right and left directions so as to change each direction of the steering wheel ; one of a coil and a magnetic body (22,24) is provided on the connecting member (magnets on controlling element 18 which is engaged with the steering plate 16) and the other of the coil and magnetic body is fixed to a fixing portion (fig 3), the coil and magnetic body come close to and go away from each other by shaking the connecting member and the connecting member takes at least two steering positions by controlling a current to be carried to the coil with a coil current carrying unit (column 3 lines 23-44 of the specification),wherein the permanent magnet is provided so as to direct two poles of the permanent magnet to right and left directions and the coil is provided so as to face an edge portion to one of

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the two poles (column 2 lines 56-68 and column 3 lines 1-4), wherein the connecting member comprises a spring for keeping the connecting member in a neutral position in which the connecting member is not biased toward a right direction nor a left direction when the current is not carried to the coil and the connecting member makes three steering positions (column 3 lines 5-22), a running toy including the aforementioned steering device (fig 1). Ishimoto does not however disclose that the coil is an air core coil however air core coils are well known therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an air core coil for the purpose of reducing weight.

3. Claims 1-6,13,14,15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over 7-299255 to Kabushiki in view of '566 Ishimoto. Kabushiki discloses all of the elements of the claims including a connecting member (6), coil (7, appears from the figures and specification to be an air coil with no core, however if it is later deemed to not be an air coil it would have been obvious to one having ordinary skill in the art to use an air coil since they are well known) and magnetic body (8). Kabushiki does not however disclose a torsion spring for keeping the connecting member in neutral position when current is not applied. Ishimoto teaches having a torsion spring for this purpose. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the torsion spring of Ishimoto with the connecting member of Kabushiki for the purpose of better maintaining neutral position when current is not applied.

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4. Claim 7, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '566 to Ishimoto in view of '490 to Lesney. Ishimoto discloses all of the elements of the claims except for the suspension device. Lesney teaches a suspension for moving the right and left turning members (figs 5-6) in upper and lower directions in a predetermined range; the suspension comprising a biasing member (18) which is supported in a middle of a width direction of the running toy so that right and left edge portions of the biasing member are elastically deformable in upper and lower directions and which extends on the right and left turning members; wherein the turning members are pressed with the right and left edge portions by a biasing force which is caused by elastically deforming the biasing member (page 3 lines 15-93), as recited in claims 7 and 10. It would have been obvious to one having ordinary skill in the art to use the suspension of Lesney with the running toy of Ishimoto for the purpose of providing better suspension qualities for the toy.

Allowable Subject Matter

Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

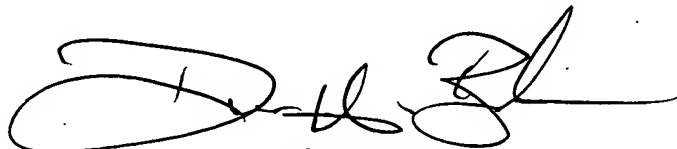
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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 703-305-3312. The examiner can normally be reached on Monday-Friday 6:30-3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a large, stylized initial 'D' and 'B'.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700